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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timothy W. CONNER *et al.*

Appln. No.: 09/540,234

Filed: April 3, 2000

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 1058

Art Unit: 1631

Examiner: S. Zhou

Atty. Docket: 16517.326

Express Abandonment Under 37 C.F.R. § 1.138(a)

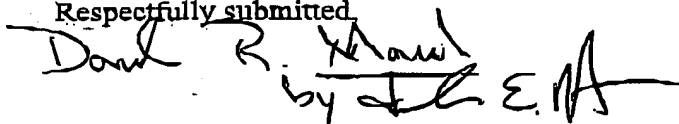
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 09/540,234 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on December 22, 2005.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on December 22, 2005.

Respectfully submitted,



Filed: December 23, 2005

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David R. Marsh, Reg. No. 41,408
By Thomas E. Holsten (Reg. No. 46,098)
Arnold & Porter LLP
555 Twelfth Street, N.W.
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I hereby certify that the foregoing Express Abandonment under 37 C.F.R. § 1.138(a) is being facsimile transmitted to the U.S. Patent and Trademark Office to the attention of the Board of Patent Appeals and Interferences in facsimile number (571) 273-0299.


Sandra FartiselDecember 23, 2005
Date

ARNOLD & PORTER LLP

David R. Marsh, Ph.D.
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202.942.5999 Fax555 Twelfth Street, NW
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December 23, 2005

VIA FACSIMILEBoard of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450Appeal No. 2003-1073
Confirmation No. 1058

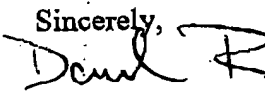
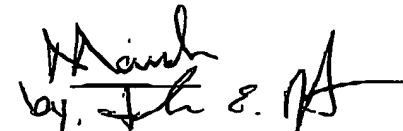
Re: U.S. Patent Application Serial No. 09/540,234 filed April 3, 2000
Inventors: Timothy W. CONNER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt.: 16517.326

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is an Express Abandonment under 37 C.F.R. § 1.138(a). This letter and its attachment are being sent via facsimile to the attention of the Board of Patent Appeals and Interferences.


In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.326.

Sincerely,


by David R. Marsh (Reg. No. 41,408)
By Thomas E. Holsten (Reg. No. 46,098)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile-transmitted to the US PTO to the attention of the Board of Patent Appeals and Interferences via facsimile number (571-273-0299).


Sandra TartiselDecember 23, 2005
Date

ARNOLD & PORTER LLP

202.942.5000
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Fax Transmittal

December 23, 2005

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)
Board of Patent Appeals and Interferences Attn: Dianne Maggard	(571) 273-0299	
SENDER	SENDER'S TELEPHONE NUMBER	SENDER'S ROOM NUMBER
David R. Marsh	(202) 942-5068	982
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
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MESSAGE		

Re: Appeal No. 2003-1073; Conf. No. 1058
U.S. Patent Appln. Ser. No. 09/540,234 filed April 3, 2000
Title: Nucleic Acid Molecules and Other Molecules-Associated with Plants
Inventors: Timothy W. CONNER *et al.*
Atty. Docket: 16517.326

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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